

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference MLT.001.12.WO	FOR FURTHER ACTION	
	See Form PCT/IPEA/416	
International application No. PCT/IT2005/000025	International filing date (day/month/year) 18.01.2005	Priority date (day/month/year) 21.01.2004
International Patent Classification (IPC) or national classification and IPC INV. B63H9/06 E04H15/58 B29C70/82 B32B3/08 B32B7/04 B32B31/00		
Applicant MOLTA, PierCarlo et al.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. *(sent to the applicant and to the International Bureau)* a total of 13 sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the report
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand 04.08.2005	Date of completion of this report 03.04.2006
Name and mailing address of the international preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer Häusler, F.U. Telephone No. +31 70 340-3787



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IT2005/000025

AP20 REC'D IN PTO 20 JUL 2006

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
 - the international application in the language in which it was filed
 - a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3(a) and 23.1(b))
 - publication of the international application (under Rule 12.4(a))
 - international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

Description, Pages

1-19 as originally filed

Claims, Numbers

1-38 received on 04.08.2005 with letter of 03.08.2005

Drawings, Sheets

1/2, 2/2 as originally filed

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-38
	No: Claims	-
Inventive step (IS)	Yes: Claims	1-38
	No: Claims	-
Industrial applicability (IA)	Yes: Claims	1-38
	No: Claims	-

2. Citations and explanations (Rule 70.7):

see separate sheet

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REPORT ON PATENTABILITY
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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following document:

D1: GB-A-1 338 452 (FLEXIPANE LTD; GREENGRASS MICHAEL) 21 November 1973 (1973-11-21)

2 INDEPENDENT CLAIM 1

2.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (see: figures 1 and 2; claim 1; page 1, lines 11-16 and 52-62; page 2, lines 9-14 and 23-38; the references in parentheses applying to this document):

A membrane body (1, 2), comprising at least a first panel (1) and a second panel (2) connected together in an adhesive manner by respective facing faces (12, 13) and a plurality of tie rods (3) arranged stably between the panels (1, 2) according to a set pattern; each said tie rod (3) having respective end portions; said body further comprising insulation means (4) arranged between the panels and associated with each said tie rod (3) to leave said tie rod (3) longitudinally free between said panels (1, 2); said tie rod (3) being suitable for resisting a dual tensile membrane stress acting on each of said pair of panels (1, 2), and keeping said panels (1, 2) substantially free of tension during use;

2.2 The subject-matter of claim 1 differs from this known D1 in that:

Said second panel is covering said face of said first panel in such a way that said second panel adheres *integrally* to said first panel,

whereby it appears that claim 1 must be understood in the light of the description and the drawings (see: description, page 13, lines 3 - 9; figures 3 and 4) in the sense of

the insulation means being means separating the tie rods from the panels.

- 2.3 The subject-matter of claim 1 is therefore considered to be new (Article 33(2) PCT).
- 2.4 The problem to be solved by the present invention may be regarded as (see: description, page 10, line 28 - page 11, line 2):

Facilitating the manufacture of the membrane body, so that no regions on the first and/or second panels have to be maintained free of adhesive in order to protect the tie rods from adhering to said first and/or second panels.

- 2.5 The solution to this problem proposed in claim 1 is neither known from nor rendered obvious by the available prior art.
- 2.6 The present application is therefore assessed as meeting the requirements of the PCT because the subject-matter of claim 1 is considered as involving an inventive step (Article 33(3) PCT).

3 INDEPENDENT CLAIMS 23 and 24

- 3.1 The subject-matter of claim 23 concerns a sail comprising a membrane body as defined in claim 1, and the subject matter of claim 24 concerns an awning for civil engineering purposes comprising a membrane body as defined in claim 1. Since the membrane body of claim 1 is considered to be novel and to involve an inventive step, necessarily also the sail defined in claim 23 and the awning defined in claim 24 must be considered as novel and as involving an inventive step.
- 3.2 The present application is therefore assessed as meeting the requirements of the PCT because the subject-matter of claims 23 and 24 respectively are considered as novel and as involving an inventive step (Article 33(2) and (3) PCT).

4 INDEPENDENT CLAIMS 25 and 29

- 4.1 The subject-matter of claim 25 concerns a method of constructing a membrane body

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as defined in claim 1, and the subject-matter of claim 29 concerns a method of constructing a sail as defined in claim 23. Since the membrane body of claim 1 and the sail of claim 23 are considered to be novel and to involve an inventive step, necessarily also the method of constructing said membrane body of claim 1 defined in claim 25, and the method of constructing said sail of claim 23 defined in claim 29 must be considered as novel and involving an inventive step.

4.2 The present application is therefore assessed as meeting the requirements of the PCT because the subject-matter of claims 25 and 29 respectively are considered as novel and involving an inventive step (Article 33(2) and (3) PCT).

5 DEPENDENT CLAIMS 2 - 22, 26 - 28 and 30 - 38

Claims 2 - 22 are dependent on claim 1, claims 26 - 28 are dependent on claim 25, claims 30 and 31 are dependent on claim 29, and claims 32 - 38 are dependent on either claim 25 or claim 29. As such also the dependent claims 2 - 22, 26 - 28 and 30 - 38 are considered to meet the requirements of the PCT with respect to novelty and inventive step.